

MEMORANDUM

To: Board of Environmental Protection

From: Becky Blais, ES III, Bureau of Remediation & Waste Management
Division of Oil & Hazardous Waste Facility Regulation

Subject: Final License for Portsmouth Naval Shipyard's Commercial Hazardous
Waste Storage Facility

Date: September 6, 2012

Statutory and Regulatory References:

Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S. §§ 1301 through 1319-Y, and Maine Hazardous Waste Management Rules, 06-096 CMR 850 through 857 (effective July 23, 2008).

Location:

Kittery, York County, Maine

Description:

Portsmouth Naval Shipyard (the Shipyard) is renewing its commercial hazardous waste storage facility license for the second time. This license covers only storage of containerized hazardous wastes for a limited period of time up to 180 days. The major changes to this license include: 1) a modification to the types of wastes being consolidated in the bermed area of Room 124, changing from acids to alkalis; 2) one year of quarterly sampling for Extractable Petroleum Hydrocarbon (EPH) Analysis at Building 357 to allow for the detection of a petroleum release from the facility should one occur in the future, and 3) the addition of two stormwater parameters and the dropping of two stormwater parameters.

History:

On October 5, 2011 the Shipyard submitted an application to the Department to continue operating as a Commercial Hazardous Waste Storage Facility (HWSF).

When this commercial hazardous waste facility was originally proposed, Kittery was granted an opportunity to appoint up to four local representatives to serve on the Board of Environmental Protection. The municipality of Kittery appointed three interested persons to serve on the BEP during the 2000 approval process. In addition, in October 2000 the Board held a mandatory public hearing at the Days Inn in Kittery, Maine. The Board heard testimony from the applicant, from staff at the Department of Environmental Protection and the Department of Transportation, as well as from interested parties who came before the Board to offer their comments on the application. Prior to the hearing, the Board, along with Department staff, toured the HWSF with Navy personnel. As required by State law, the Town of Kittery was provided with a thirty-day review period

for both the draft and final Orders. The Board approved the commercial license in May of 2001.

Environmental Issues:

There are no new environmental issues that were not evaluated in previous license applications. In previous license applications, three key issues were addressed:

1. In the Shipyard's original license and renewal for its previous facility building identified as Building 313 (as issued in 1985, 1992 and now closed) and with the existing facility building identified as Building 357, the Board determined that as a result of the site's location, contingency plans and conditions of approval, the Shipyard was able to overcome the rebuttable presumption contained in Chapter 854, Section 7 (B). This section of the regulations prohibits the siting of a hazardous waste facility within three hundred feet of the one-hundred year flood plain. A site-specific investigation in 1995 documenting and delineating the flood elevations was conducted and a report provided to the Department. This investigation determined that the actual 100-foot floodplain datum was a half-foot lower than originally estimated. Department staff carefully reviewed this data and concurred with its findings. A copy of this report was provided to the Board in January 2007.
2. The original license also granted a variance to the requirement that a storage area be underlain by either a natural clay or synthetic liner as specified in Chapter 854, Section (12)(B)(2) for the outdoor support area for seven large roll-off containers. The variance is based on the type and location of the facility, the manner of storage, the placement of an alternative sealant, the type of hazardous wastes (solids only) stored and the operational, inspection and maintenance procedures proposed by the Shipyard.
3. To address traffic concerns, the Shipyard agreed in their last license and continues to agree to limit use of Gate No. 2 to only those instances when Gate No. 1 is closed and inaccessible. To avoid the higher traffic periods of the day, the Department required that shipments of waste be scheduled to arrive prior to 2:30 pm to avoid the transportation of hazardous wastes simultaneously with the release of school buses and Shipyard employees. The Shipyard agreed to schedule no more than two trucks per week to receive waste shipments. The Shipyard's annual reports document this limitation is being met. These conditions are continued in this renewal license.

Public Notice of Draft Order:

The draft order was reviewed by the Board and approved on June 20, 2012. The Notice of availability of draft license was published in the Portsmouth Herald newspaper on June 25, 2012. The 45 day comment period ended on August 9, 2012. No comments from the public or the Shipyard were received.

Department Recommendation:

Staff recommends approval of this license for Portsmouth Naval Shipyard's Commercial Hazardous Waste Storage Facility. This approval allows for the continued operation of a commercial Hazardous Waste Storage Facility.

Estimated Time of Presentation: 10 minutes.

